

Notice of Allowability	Application No.	Applicant(s)	
	09/466,144	PATHMASUNTHARAN ET AL.	
	Examiner Uyen-Chau N. Le	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 13 December 2004.
2. The allowed claim(s) is/are 1,3,6-12,60-69 and 90-96.
3. The drawings filed on 17 December 1999 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 1/27/05.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

Requesting Continued Examination (RCE)

1. Receipt is acknowledged of the Requesting Continued Examination (RCE) field 13 December 2004.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Wong on 27 January 2005 in order to place the instant application in the proper form for an allowance (i.e., to have proper support) by inserting the limitation of claim 2 into claim 1, changing the dependency of claims 3, 6 and 7 from 2 to 1, and substituting "first transaction key" with -- a first transaction key -- (i.e., in claim 9, line 4) and "first transaction key" with -- the first transaction key -- (i.e., in claim 9, line 6).

The application has been amended as follows:

Re claim 1: Substitute claim 1 with the following:

-- 1. A smart card comprising:
an interface with a smart card reader;

first circuitry configured to receive a first enable signal from a portable smart card enabler device, wherein the first enable signal is transmitted to the first circuitry without passing through the smart card reader; [and]

second circuitry coupled with the interface and the first circuitry and configured to allow the smart card to function with the smart card reader upon receiving the first enable signal from the portable smart card enabler device by the first circuitry, and to disable the smart card to function with the smart card reader if the first circuitry does not receive the first enable signal from the portable smart card enabler device[.]; and

wherein the first circuitry is also configured to receive a second enable signal from the portable smart card enabler device, and wherein the second circuitry is also configured to allow the smart card to perform a transaction with the smart card reader upon receiving the second enable signal from the portable smart card enabler device by the first circuitry, and to disable the smart card to perform the transaction with the smart card reader if the first circuitry does not receive the second enable signal from the portable smart card enabler device. --

Re claim 2: Please cancel claim 2.

Re claim 9, line 4: Substitute “first transaction key” with -- a first transaction key --.

Re claim 9, line 6: Substitute “first transaction key” with -- the first transaction key --.

Allowable Subject Matter

3. Claims 1, 3, 6-12, 60-69 and 90-96 are allowed.
4. The following is an examiner’s statement of reasons for allowance:

The prior art of records to Asami, Schick et al, Naruse et al, Kawan et al and all other cited references, taken alone or in combination, fails to teach or fairly suggest the specific structure or the method of a smart card comprising, among other things, first circuitry configured to receive a first enable signal from a portable smart card enabler device, wherein the first enable signal is transmitted to the first circuitry without passing through the smart card reader; second circuitry is also configured to allow the smart card to perform a transaction with the smart card reader upon receiving a second enable signal from the portable smart card enabler device by the first circuitry, wherein the second enable signal sent in response to the sending of the transaction key without passing through the smart card reader as set forth in the claimed combinations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Wang (US 6,282,656); Krause (US 6,089,451); and Saitoh (US 5,929,414) are cited as of interest and illustrate to a similar structure of a system and method for using a smart card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon-Fri. 5:30AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Uyen-Chau N. Le
January 27, 2005



THIEN M. LE
PRIMARY EXAMINER